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Of Attorneys for Defendant Country Mutual Insurance Company

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

**PETER S. BOGARD and WENDY V.
BOGARD,**

Plaintiffs,

v.

**COUNTRY MUTUAL INSURANCE
COMPANY,**

Defendant.

Case No. 1:19-cv-00705-AA

**DEFENDANT'S ANSWER TO
PLAINTIFFS' AMENDED COMPLAINT**

Prayer Amount: \$231,880

For Answer to Plaintiffs' Amended Complaint, Defendant Country Mutual Insurance Company (Country) admits and denies as follows:

1.

Country admits paragraphs 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, and 16 of Plaintiffs' Complaint.

2.

Country admits that it denied Plaintiffs' claim based, at least in part, on the controlled

substance exclusion found in the policy. Country reserved the right to raise other applicable exclusions at any time.

3.

Country admits that the United States Congress passed the Agricultural Improvement Act in 2018; 21 U.S.C.A Sections 811 and 812; 7 U.S.C Section 1639o, which legislation speaks for itself.

4.

Country admits that it issued a policy of insurance to Plaintiffs. The contents of that document speak for itself.

5.

First Affirmative Defense

For its First Affirmative Defense, Country alleges Plaintiffs failed to prove that the dry source material from which the CBD oil Plaintiffs were using at the time of the fire was sourced from lawfully grown hemp, which contained no more than 0.3% Delta 9 THC by dry weight.

WHEREFORE, having fully answered Plaintiffs' Amended Complaint, Country prays for judgment in its favor, dismissing Plaintiffs' Complaint with prejudice and awarding Country its costs and disbursements incurred herein.

DATED this 28th day of June, 2019.

FROHNMAYER, DEATHERAGE, JAMIESON,
MOORE, ARMOSINO & McGOVERN, P.C.

By: 

Bernard S. Moore, OSB #843051
Of Attorneys for Defendant
TRIAL ATTORNEY


CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **Defendant's Answer to Plaintiffs' Amended Complaint** upon:

Nikolaus N. Gower
TAYLOR & TAPPER
400 E. Second Avenue, Suite 103
Eugene, OR 97401
Fax: 541-246-2424
Email: nick@taylortapper.com
Of Attorneys for Plaintiff

- ☒ by automatic electronic transmission via the Court's Case Management and Electronic Case Filing practice.
- ☒ by mailing = to said attorney a copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorney at said attorney's last known address and deposited in the post office at Medford, Oregon, on the date set forth below.
- ☐ by personally handing said attorney a copy thereof, certified by me as such, on the date set forth below.

Dated this 28th day of June, 2019.


Bernard S. Moore, OSB #843051
Of Attorneys for Defendant
TRIAL ATTORNEY